



1647
JFW

hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313 on October 14, 2004.

ELECTION UNDER 35 U.S.C. § 121
Examining Group 1647
Patent Application
Docket No. G-029US04DIV
Serial No. 10/072,159

Frank C. Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Rachel Kapust Hunnicutt
Art Unit : 1647
Applicants : Bernard Bihain, Lydie Bougueleret, Frances Yen-Potin
Serial No. : 10/072,159
Filed : February 5, 2002
Conf. No. : 2627
For : Lipoprotein-Regulating Medicaments

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121

Sir:

In response to the written Restriction Requirement dated September 16, 2004 in the above-identified patent application, Applicants hereby elect to prosecute the invention of Group I (claims 72 and 74-77), with traverse. Applicants note that an election from three groups was set forth in the above-referenced restriction requirement; however, it is respectfully submitted that the species set forth in subsection b) on page 4 of the restriction requirement is a condition to be treated as set forth in subsection a) of the requirement for an election of species in view of the recitation of the connecting term "or" at line 4 of previously presented claim 72. As to the requirement for an election of species, Applicants elect the treatment of an obesity related condition and type II diabetes. As to the requirement for an election of species as the agent, Applicants hereby elect ApM1. Applicants further submit that pending claims 72 and 74-75 read upon the elected invention.

Prior to the examination of the subject application, it is respectfully requested that the application be amended as follows: